25X1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Page Denied

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Cross References

International Health Research Act of 1960, use of foreign currencies available for utilization by the United States to carry out the purposes of, and subject to the provisions of this section, see section 2103 of Title 22, Foreign Relations and Intercourse.

Loan assistance and sales, amount on terms of repayment, see section 2352 of Title 22.

Military assistance, see section 2317 of Title 22.

Surplus agricultural commodities, funds for shipments, see section 1922 of Title 22.

Use of foreign currencies accruing with respect to disposition of surplus agricultural commodities to foreign nations, notwithstanding this section; and applicability of this section in certain cases, see section 1704 of Title 7, Agriculture.

Use of foreign currencies; availability to Congressional committees, see section 1754 of Title 22.

§ 724a. Appropriations for payment of judgments and compromise settlements against United States

There are appropriated, out of any money in the Treasury not otherwise appropriated, and out of the postal revenues, respectively, such sums as may on and after July 27, 1956 be necessary for the payment, not otherwise provide for, as certified by the Comptroller General, of final judgments, awards, and compromise settlements (not in excess of $100,000, or its equivalent in foreign currencies at the time of payment, in any one case) which are payable in accordance with the terms of sections 2414, 2517, 2672, or 2677 of Title 28, together with such interest and costs as may be specified in such judgments or otherwise authorized by law: *Provided*, That, whenever a judgment of a district court to which the provisions of section 2411(b) of Title 28 apply, is payable from this appropriation, interest shall be paid thereon only when such judgment becomes final after review on appeal or petition by the United States, and then only from the date of the filing of the transcript thereof in the General Accounting Office to the date of the mandate of affirmance (except that in cases reviewed by the Supreme Court interest shall not be allowed beyond the term of the Court at which the judgment was affirmed): *Provided further*, That whenever a judgment rendered by the Court of Claims is payable from this appropriation, interest payable thereon in accordance with section 2516(b) of Title 28 shall be computed from the date of the filing of the transcript thereof in the General Accounting Office: *Provided further*, That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of Title 28, and such instrumentality shall reimburse the United States for a judgment or compromise settlement paid by the United States. Notwithstanding the other provisions of this section, judgments against the United States arising out of activities of the United

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

States Postal Service shall be paid by the Postal Service out of any funds available to it.

July 27, 1956, c. 748, Title XIII, § 1302, 70 Stat. 694; Aug. 30, 1961, Pub.L. 87-187, § 3, 75 Stat. 416; July 18, 1966, Pub.L. 89-506, § 6, 80 Stat. 307; July 23, 1970, Pub.L. 91-350, § 1(c), 84 Stat. 449; Aug. 12, 1970, Pub.L. 91-375, § 6(*l*)(3), 84 Stat. 782.

Historical Note

1970 Amendments. Pub.L. 91-375 provided for payment of judgments against the United States arising out of activities of the United States Postal Service by the Postal Service out of any funds available to it.

Pub.L. 91-350 authorized payment of judgments and compromise settlements against the United States arising out of express or implied contracts entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, made such payments subject to the provisions of this section and sections 2414, 2517, and 2518 of Title 28, and required those instrumentalities to reimburse the United States for such payments made.

1966 Amendment. Pub.L. 89-506 authorized the payment of awards in addition to the payment of judgments and compromise settlements already authorized and added sections 2672 and 2677 to the list of sections of Title 28 under which final judgments, awards, and compromise settlements may be paid.

1961 Amendment. Pub.L. 87-187 substituted "final judgments and compromise settlements (not in excess of $100,000, or its equivalent in foreign currencies at the time of payment, in any one case) which are payable in accordance with the terms of sections 2414 or 2517 of Title 28" for "judgments (not in excess of $100,000 in any one case) rendered by the district courts and the Court of Claims against the United States which have become final".

Effective Date of 1970 Amendments. Amendment by Pub.L. 91-375 effective within 1 year after Aug. 12, 1970 on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub.L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

Amendment by Pub.L. 91-350 applicable to claims and civil actions dismissed before or pending on July 23, 1970, if the claim or civil action was based upon a transaction, omission, or breach that occurred not more than six years prior to July 23, 1970, notwithstanding a determination or judgment made prior to July 23, 1970, that the United States district courts or the United States Court of Claims did not have jurisdiction to entertain a suit on an express or implied contract with a nonappropriated fund instrumentality of the United States, see section 2 of Pub.L. 91-350, set out as a note under section 1346 of Title 28, Judiciary and Judicial Procedure.

Effective Date of 1966 Amendment. Amendment of section by Pub.L. 89-506 applicable to claims accruing six months or more after July 18, 1966, see section 10 of Pub.L. 89-506, set out as a note under section 2672 of Title 28, Judiciary and Judicial Procedure.

Legislative History. For legislative history and purpose of Pub.L. 87-187, see 1961 U.S.Code Cong. and Adm.News, p. 2439. See, also, Pub.L. 89-506, 1966 U.S. Code Cong. and Adm.News, p. 2515; Pub.L. 91-350, 1970 U.S.Code Cong. and Adm.News, p. 3477; Pub.L. 91-375, 1970 U.S.Code Cong. and Adm.News, p. 3649.

Cross References

Payment of judgments rendered by Court of Claims against United States, see section 2517 of Title 28, Judiciary and Judicial Procedure.

Payment of judgments rendered by district court against United States, see section 2414 of Title 28, Judiciary and Judicial Procedure.

Library References

United States ⇐85. C.J.S. United States § 123.

Contempt 7
Interest 4
Lapse of appropriation 2
Limitation on payment 3
Political questions 5
Purpose 1
Sovereign immunity 6

1. Purpose

Primary purpose in establis manent appropriation for pa judgments and compromise s against United States was to p prompt payment of judgment a by to eliminate or reduce costs est. U. S. v. Varner, C.A.Ga.19 2d 369.

The purposes of this section to appropriations for payment ments and compromise se against United States are (1) one who has a judgment not in $100,000, obtained under Fede Claims Act, sections 1346(b) an seq. of Title 28, to receive pro ment without awaiting a specia priation, and (2) to relieve Unit of obligation of paying intere principal remains unpaid. U. S. of Md. for Use of Meyer, 1965, 693, 121 U.S.App.D.C. 258.

2. Lapse of appropriation

Lapse of appropriation, failure propriation and exhaustion of ap tion do not of themselves preclud ery for compensation otherwi State of La. v. Weinberger, D.C. 369 F.Supp. 856.

3. Limitation on payment

The $100,000 limitation in this refers to a judgment in excess amount awarded either to a singl tiff or to two or more plaintiffs and does not preclude payment vidual judgments involved in co tions in which several persons are as plaintiffs so long as the ind judgment awarded each plaintiff in excess of the limitation. 1 Comp.Gen. 307.

4. Interest

Where individual judgments in of injured employee and his wif less than $100,000 judgments di bear interest even though total of ments was in excess of $100,000. U Varner, C.A.Ga.1968, 400 F.2d 369.

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Notes of Decisions

Informer's action 3
Law governing 1
Place of execution 2

Library references

United States ⇐145.
C.J.S. United States § 207.

1. Law governing

Under former section 839 of this title providing that a writ of execution issued upon a judgment obtained for the use of the United States may run and be executed in any other state, and Rule 69 of Federal Rules of Civil Procedure providing that procedure on execution shall be in accordance with practice of state in which district court is held, a writ of attachment, issued from United States District Court for Pennsylvania upon a judgment obtained in action brought under authority of section 232 of Title 31 providing for recovery of penalty for making a false claim against United States Government or dealing fraudulently with United States property, could properly be levied on bank deposits in New York State, notwithstanding New York law did not authorize attachment execution upon bank deposits. U. S. ex rel. Marcus v. Lord Electric Co., D.C.Pa.1942, 43 F.Supp. 12.

2. Place of execution

Under former section 839 of this title a judgment in favor of the United States could be made the basis of an execution running in a state and district other than that in which the judgment was rendered. Pierce v. U. S., Mo.1921, 41 S. Ct. 365, 255 U.S. 398, 65 L.Ed. 697.

Under former section 839 of this title the return unsatisfied of an execution in favor of the United States against a corporation in the Western district of Louisiana was sufficient to support a creditor's bill against the stockholders in the Eastern district of Missouri, though execution issued in that district was not returned unsatisfied until after the commencement of the suit, especially where it was agreed that the corporation had no property anywhere out of which the judgment could be satisfied. Id.

3. Informer's action

Writs of execution and of attachment issued from United States District Court for Pennsylvania upon a judgment obtained in action, instituted under authority of section 232 of Title 31 providing for recovery of penalty for making a false claim against United States Government or dealing fraudulently with United States property, could properly be executed in New York State, since, although the judgment was in part for the use of the informer by whom action was instituted, it was also for the use of the United States and the basic cause of action was in the United States. U. S. ex rel. Marcus v. Lord Electric Co., D.C.Pa. 1942, 43 F.Supp. 12.

§ 2414. Payment of judgments and compromise settlements

Payment of final judgments rendered by a district court against the United States shall be made on settlements by the General Accounting Office. Payment of final judgments rendered by a State or foreign court or tribunal against the United States, or against its agencies or officials upon obligations or liabilities of the United States, shall be made on settlements by the General Accounting Office after certification by the Attorney General that it is in the interest of the United States to pay the same.

Whenever the Attorney General determines that no appeal shall be taken from a judgment or that no further review will be sought from a decision affirming the same, he shall so certify and the judgment shall be deemed final.

Except as otherwise p
claims referred to the At
gation or suits against t
officials upon obligations
the Attorney General or
tled and paid in a manne
propriations or funds av
are hereby made availabl
ments. June 25, 1948, c.
187, § 1, 75 Stat. 415.

Library references: United
156, 160 et seq., 206.

Histo

Reviser's Note. Based on
of Title 31 U.S.C., 1940 ed.,
Finance (Feb. 18, 1904, c. 160,
41; June 10, 1921, c. 18, § 3
24).

Similar provisions of sect
Title 31, U.S.C., 1940 ed.,
judgments of the court of cl
corporated in section 2517 of

The second paragraph wa
make clear that the payme
ments not appealed may be e
certificate to that effect.

Appropriations for paymen
of interest time, see section 72

CHAPTER 163—FIN

Sec.
2461. Mode of recovery
2462. Time for comme
2463. Property taken u
2464. Security; specia
2465. Return of prope
liability for w

§ 2461. Mode of

(a) Whenever a civi
scribed for the violatio
mode of recovery or enf
action.

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Except as otherwise provided by law, compromise settlements of claims referred to the Attorney General for defense of imminent litigation or suits against the United States, or against its agencies or officials upon obligations or liabilities of the United States, made by the Attorney General or any person authorized by him, shall be settled and paid in a manner similar to judgments in like causes and appropriations or funds available for the payment of such judgments are hereby made available for the payment of such compromise settlements. June 25, 1948, c. 646, 62 Stat. 974; Aug. 30, 1961, Pub.L. 87-187, § 1, 75 Stat. 415.

Library references: United States ⇐82, 113, 144; C.J.S. United States §§ 122, 155, 156, 160 et seq., 206.

Historical and Revision Notes

Reviser's Note. Based on section 228 of Title 31 U.S.C., 1940 ed., Money and Finance (Feb. 18, 1904, c. 160, § 1, 33 Stat. 41; June 10, 1921, c. 18, § 304, 42 Stat. 24).

Similar provisions of section 228 of Title 31, U.S.C., 1940 ed., relating to judgments of the court of claims are incorporated in section 2517 of this title.

The second paragraph was added to make clear that the payment of judgments not appealed may be expedited by certificate to that effect.

Changes were made in phraseology. 80th Congress House Report No. 308.

1961 Amendment. Pub.L. 87-187 provided for payment of final judgments rendered by a State or foreign court against the United States, its agencies or officials and compromise settlements.

Legislative History: For legislative history and purpose of Pub.L. 87-187, see 1961 U.S.Code Cong. and Adm.News, p. 2439.

Cross References

Appropriations for payments of judgments against the United States, computation of interest time, see section 724a of Title 31, Money and Finance.

CHAPTER 163—FINES, PENALTIES AND FORFEITURES

Sec.
2461. Mode of recovery.
2462. Time for commencing proceedings.
2463. Property taken under revenue law not repleviable.
2464. Security; special bond.
2465. Return of property to claimant; certificate of reasonable cause; liability for wrongful seizure.

§ 2461. Mode of recovery

(a) Whenever a civil fine, penalty or pecuniary forfeiture is prescribed for the violation of an Act of Congress without specifying the mode of recovery or enforcement thereof, it may be recovered in a civil action.

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

certain boundaries so that he could be available if needed. Pruden v. U. S., D.C.N.C.1974, 399 F.Supp. 22, affirmed 511 F.2d 1398.

Unless individual is specifically performing duty for United States at time of accident, this chapter and section 1346(b) of this title should not permit recovery. Id.

Injuries to serviceman attributed to alleged medical malpractice by army doctors who treated serviceman and performed surgical operations upon serviceman while he was on active duty and who failed to inform serviceman of his condition arose in course of military duty and would not support claim under this chapter and section 1346(b) of this title even if serviceman's induction was void by reason of failure to determine a physically disqualifying condition at preinduction medical examination. Southard v. U. S., D.C.Pa.1975, 397 F.Supp. 409, affirmed 535 F.2d 1247.

Words "line of duty" within this section providing that acting within scope of office or employment, in case of member of military or naval forces of the United States, means acting in line of duty and go no further than to invoke state law of respondeat superior with respect to tort claims arising out of alleged wrongful acts of military personnel. Badger State Mut. Cas. Co. v. U. S., D.C.Wis.1974, 383 F.Supp. 1226.

Action of federal employee in cosigning memorandum to coworker's superior criticizing his conduct while at work was in perimeter of her line of duty even though she did not work in close proximity to coworker, and she was therefore immune from liability to coworker for libel. Kruemann v. Naranjo, D.C.Md.1974, 378 F.Supp. 104.

Words "line of duty" in this section providing that acting within scope of office or employment, in case of member of military or naval forces of United States, means acting in line of duty, go no further than to invoke state law of respondeat superior with respect to tort claims arising out of alleged wrongful acts of military personnel. Adams v. U. S., D.C.Pa.1969, 302 F.Supp. 1147.

Term "acting in line of duty" is synonymous with acting within scope of employment. McGarrh v. U. S., D.C.Miss. 1969, 294 F.Supp. 669.

In effect, under this section relating to definition of acting within the scope of office or employment in case of a member of military forces, government may be held vicariously liable for torts of its employees, both civilian and military, in same manner as private employer under doctrine of respondeat superior. Ira S. Bushey & Sons, Inc. v. U. S., D.C. N.Y.1967, 276 F.Supp. 518, affirmed 398 F.2d 167.

Where serviceman, who edited weekly paper at naval station, went on trip in his own automobile to get news story, and at end of day, at time when he was on liberty status, he started back to station, but he deviated and stopped for drinks, and then after midnight and while quite drunk, and while he was allegedly attempting to drive back to station, but while going in wrong direction, he was involved in a collision, he was not "in course of employment" by United States and respondeat superior principle, as recognized by Maryland Court of Appeals and by federal Fourth Circuit, did not apply to make United States liable. Manderacchi v. U. S., D.C.Md.1967, 264 F. Supp. 380, affirmed 389 F.2d 1003.

Under this chapter and section 1346(b) of this title the United States is to be treated as any other private employer, and use of term "line of duty", contained therein, does not expand the area of government's liability for acts of its employees beyond traditional concepts. Kimball v. U. S., D.C.N.J.1967, 262 F. Supp. 509.

Soldier, who was returning to his home station after complying with orders to attend six-month federal active duty training period, who was authorized to travel by private conveyance, who was given travel allowance for mileage involved, who was still on active duty at time of collision, who was in a travel status, and who was subject to military discipline was "acting within the scope of his employment" as a soldier at time of collision within this chapter and section 1346(b) of this title. Farmer v. U. S., D.C.Iowa 1966, 261 F.Supp. 750, affirmed 400 F.2d 107.

In order for United States to be held liable under this chapter and section 1346(b) of this title for tort of employee under principle of vicarious liability, employee must have been acting within scope of his employment when tort was committed. Short v. U. S., D.C.Del.1965, 245 F.Supp. 591.

Where petty officer, who was manager of club at naval station, and who had established working hours of 8 a. m. to 4:30 p. m., was allegedly told to keep his eye on certain bartender, and he remained at club one evening drinking and watching bartender, and about 10:15 p. m. while on way from club to his home his automobile collided with another automobile and injured passenger, question whether he was acting within scope of his employment so that United States would be liable under this chapter and section 1346(b) of this title was for trier of fact at trial. Id.

Where Marine supply sergeant stationed in North Carolina camp took grenades issued to him for use by personnel of his battalion, secreted them and surreptitiously brought them with him to New York when he went on leave and there were no facts to put his superior officers on notice that he might be guilty of any dereliction of duty, United States was not liable under this chapter and section 1346(b) of this title for injuries sustained when sergeant, who was intoxicated, and intoxicated soldier and sailor exploded two grenades in New York bar, injured plaintiffs had no equitable claim upon Government and any award to them would be nothing more than a gratuity. Gordon v. U. S., 1960, 180 F.Supp. 591, 148 Ct.Cl. 31.

10. Misrepresentation

"Misrepresentation", as used in statute exempting government from tort liability under this chapter and section 1346(b) of this title for claim arising out of misrepresentation, may consist of either deliberate and willful misrepresentation or negligent misrepresentation. Marival, Inc. v. Planes, Inc., D.C.Ga.1969, 306 F.Supp. 855.

Existence of mere element of misrepresentation is insufficient to make statute exempting government from liability under this chapter and section 1346(b) of this title for any claim arising out of misrepresentation applicable. Id.

§ 2672. Administrative adjustment of claims

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain,

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1

adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided*, That any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

As amended July 18, 1966, Pub.L. 89–506, §§ 1, 9(a), 80 Stat. 306, 308.

1966 Amendment. Pub.L. 89–506 substituted "claims" for "claims of $2,500 or less" in the section catchline, authorized administrative settlement of tort claims, in accordance with regulations prescribed by the Attorney General, of up to $25,000 and, with the prior written approval of the Attorney General or his designee, in excess of $25,000, added "compromise" and "settlement" to the list of administrative acts that would be final and conclusive on all officers of the government, authorized the payment of administrative settlements in excess of $2,500 in the manner similar to judgments and compromises in like causes, and made appropriations and funds which were available for the payment of such judgments and compromises available for the payment of awards, compromises, or settlements under this chapter.

Effective Date of 1966 Amendment. Section 10 of Pub.L. 89–506 provided that: "This Act [amending this section and sections 2401(b), 2671, 2675, 2677, 2679(d) and 2679(b) of this title, section 724a of Title 31, and section 4116(a) of Title 38] shall apply to claims accruing six months or more after the date of its enactment [July 18, 1966]."

Legislative History: For legislative history and purpose of Pub.L. 89–506, see 1966 U.S.Code Cong. and Adm.News, p. 2515.

Code of Federal Regulations

Administrative settlement of tort claims—
- Atomic Energy Commission, see 10 CFR 14.1 et seq.
- Civil Service regulations, see 5 CFR 177.101 to 177.110.
- Department of Health, Education, and Welfare, see 45 CFR 35.1 et seq.
- Department of Housing and Urban Development, see 24 CFR 17.1 to 17.12.
- Department of State, see 22 CFR 31.1 to 31.17.
- Department of the Air Force, see 32 CFR 842.100 to 842.111.
- Department of the Interior, see 43 CFR 22.1 et seq.
- Peace Corps, see 22 CFR 304.1 to 304.12.
- Small Business Administration, see 13 CFR 114.100 et seq.
- United States Arms Control and Disarmament Agency, see 22 CFR 604.1 to 604.17.
- United States Information Agency, see 22 CFR 511.1 to 511.12.

Notes of Decisions

Supplementary Index to Notes

Construction ¼
Law governing ½
Prerequisite to suit 2a
Suits against the United States 5a

¼. Construction

This section providing in part that the acceptance of an award thereunder "shall be final and conclusive on the claimant and shall constitute a complete release of any claim against the United States

* * * by reason of the same subject matter" merely states that acceptance of a claim shall constitute a release; it does not purport to set up rules governing the validity, scope or interpretation of releases arising from its operation. Robinson v. U. S., D.C.Ill.1976, 408 F.Supp. 132.

½. Law governing

This section must be reconciled with the overall congressional intent that liabilities be adjudicated in accordance with state law. Robinson v. U. S., D.C.Ill.1976, 408 F.Supp. 132.

2. Claims considered

Requirement of section 2675 of this title that as prerequisite to suit a claim be presented to the appropriate federal agency is jurisdictional and cannot be waived. Bialowas v. U. S., C.A.Pa.1971, 443 F.2d 1047.

Partially completed form, returned by plaintiff to postal authorities after mail truck collided with his car, in which plaintiff failed to specify amount of his claim and which was not signed by plaintiff did not, even as supplemented by verbal claim for money damages during telephone conversation with postal inspector, fulfill requirement of timely presentation of claim under this chapter. Id.

Where plaintiff who suffered personal injury and property damage when mail truck collided with rear of his car repeatedly disregarded written and oral instructions with respect to filing administrative claim, circumstances did not excuse his failure to exhaust administrative remedies as prerequisite to right to maintain suit under this chapter. Id.

Where a plaintiff's claim for an amount in excess of $10,000 was beyond jurisdiction and purview of this chapter and section 1346(b) of this title which provided for administrative adjustment of claims of $2,500 or less, submission of claim to agency was nullity requiring neither final disposition by agency nor withdrawal by claimant as prerequisite for suit on claim and government's motion to dismiss claim not disposed of administratively would therefore be denied. Wexler v. Newman, D.C.Pa.1970, 311 F.Supp. 906.

When United States removed actions for damages against government driver and certified his capacity as government employee at time of accident to effect removal mandated by statute and to obtain substitution of United States as defendant, actions for all purposes became tort actions against United States and were premature if no administrative claims had been filed by plaintiffs. Driggers v. U. S., D.C.S.C.1970, 309 F.Supp. 1377.

2a. Prerequisite to suit

Letter which Insurance Commissioner of Commonwealth of Pennsylvania sent to Secretary of Housing and Urban Development asserting claim in excess of one billion dollars for uninsured flood losses sustained by citizens of the Commonwealth did not constitute a valid administrative claim and, therefore, district court had no jurisdiction under this chapter and section 1346(b) of this title of Commonwealth's action against the Secretary and the United States for the un-

§ 2673. Reports to Congress

Repeal.

Section 1(1) of Pub.L. 89–348, Nov. 8, 1965, 79 the requirement that an annual report to Cong administrative adjustment of tort claims of $2,50 name of each claimant, the amount claimed, th and a brief description of the claim.

Approved For Release 2008/11/04 : CIA-RDP04M01816R000501970017-1